GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

HM&FW Department - Containment, Control, and Prevention of COVID - 19 - The Epidemic Disease Act, 1897- Disaster Management Act, 2005 –"Unlock 5.0" Guidelines for Phased Reopening in the State of Andhra Pradesh - Orders-Issued.

HEALTH, MEDICAL & FAMILY WELFARE (B2) DEPARTMENT

G.O.Rt.No.433 **Dated:05.10.2020.**

Read the following:

1) MHA, GoI Order No.40-3/2020-DM-I(A), Dt. 24.3.2020.
2) G.O.Rt.No. 216, HM&FW (B2) Dept., Dt. 24.03.2020.
3) MHA, GoI Order No. 40-3/2020-DM-I(A), Dt.25.03.2020.
4) MHA, GoI Order No. 40-3/2020-DM-I(A), Dt.27.03.2020.
5) G.O.Rt.No. 221, HM&FW (B2) Dept., Dt. 29.03.2020.
6) MHA, GoI Order No. 40-3/2020-DM-I(A), Dt.02.04.2020.
7) MHA, GoI Order No. 40-3/2020-DM-I(A), Dt.03.04.2020.
8) MHA, GoI Order No. 40-3/2020-DM-I(A), Dt.10.04.2020.
9) MHA, GoI Order No. 40-3/2020-DM-l(A) Dt. 14.04.2020.
10) G.O.Rt.No. 238, HM&FW (B2) Dept., Dt.14.04.2020.
11) G.O.Rt.No. 239, HM&FW (B2) Dept., Dt.16.04.2020.
12) MHA, GoI Order No. 40-3/2020-DM-l(A) Dt. 1.05.2020.
13) G.O.Rt.No.258, HM&FW (B2) Dept., Dt.01.05.2020.
14) G.O.Rt.No. 262, HM&FW (B2) Dept., Dt.03.05.2020.
15) MHA, GoI Order No. 40-3/2020-DM-l(A) Dt. 17.05.2020.
16) G.O.Rt.No.274,HM&FW (B2) Dept., Dt.17.5.2020
17) MHA, GOI Order No.40-3/2020-DM-I(A) Dt.30.5.2020
18) G.O.Rt.No.280, HM&FW (B2) Dept., Dt.31.5.2020
19) MHA, GOI Order No.40-3/2020-DM-I(A) Dt.29.6.2020
20) G.O.Rt.No.317, HM&FW (B2) Dept., Dt.02.07.2020
21) MHA, GOI Order No.40-3/2020-DM-I(A) Dt.29.07.2020
22) G.O.Rt.No.352, HM&FW (B2) Dept., Dt.05.08.2020
23) MHA, GOI Order No.40-3/2020-DM-I(A) Dt.29.08.2020
24) G.O.Rt.No.390, HM&FW(B2)Deptt., dated.07.09.2020.
25) MHA, GOI Order No.40-3/2020-DM-I(A) Dt.30.09.2020.

-0-

ORDER:

In the references 2nd, 5th, 10th, 11th, 13th, 14th, 16th , 18th , 20th, 22nd and 24th read above, the Government of Andhra Pradesh has directed District Collectors, Joint Collectors, Police Commissioners, SPs, DM&HOs, Municipal Commissioners, Sub-Collectors, RDOs, MROs and MPDOs to take effective measures to prevent the spread of COVID- 19 in the State.

2. In the references 1st, 3rd, 4th, 6th, 7th, 8th, 9th, 12th, 15th and 17th, 19th, 21stand 23rd read above, the Ministry of Home Affairs has issued various orders and addendums along with Consolidated Guidelines to implement "Lockdown" to contain the spread of COVID- 19 with effect from 25.03.2020 and thereafter "Unlock" measures for phased re-opening w.e.f. 30.09.2020.

3. Whereas, the Ministry of Home Affairs, in its Order vide reference 25th read above, has stipulated the "**Unlock 5.0**" measures to contain the spread of COVID-19 and ensure phased re-opening in the Country and which are ordered to be in force upto 31.10.2020.

4. Therefore, all the District Collectors, Joint Collectors, Commissioners of Police, Superintendents of Police, DM&HOs, Municipal Commissioners, Sub-Collectors, RDOs, MROs and MPDOs are hereby instructed to strictly implement the Order mentioned in the reference 25th read above, in accordance with the guidelines annexed to this G.O. For implementing the containment measures, the District Magistrate will deploy Executive Magistrates as Incident Commanders as specified in the Annexure.

(P.T.O)

5. The Order mentioned in the reference 25th read above, shall be implemented along with various Orders issued from time to time by the State Government for "Lockdown" in the State for containing the spread of COVID-19 and for phased re-opening in the State.

(BY THE ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NILAM SAWHNEY
CHIEF SECREATRY TO GOVERNMENT

To
All the District Collectors in the State.
The DGP, A.P., Mangalgiri.
The Police Commissioner of Vijayawada & Visakhapatnam.
All the Superintendents of Police in the State.
All the Municipal Commissioners in the State.
All the HoDs under the control of HM&FW Department.
All the DM&HOs in the State.

Copy to:

All the Special Chief Secretaries/Principal Secretaries/Secretaries to Government.
PS to Addl. C.S. to CM.
OSD to Dy. CM (H, FW&ME).
PS to Spl.CS to Government, HM&FW Department.
PS to Prl. Secretary (Poll).
PS to Commissioner, I&PR.
SF/SC.

//FORWARDED : : BY ORDER//

SECTION OFFICER

(Contd..P-3)

Annexure to G.O.Rt. No.433, HM & FW (B2) Dept., dt.05.10.2020

Guidelines for Re-opening (Unlock-5)
[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) dated , 30th September, 2020]

1. Activities permitted outside the Containment Zones

In areas outside the Containment Zones, all activities will be permitted, except the following:

(i) State/ UT Governments may take a decision in respect of re-opening of schools only from November 2nd. Coaching institutions, after 15th October 2020, in a graded manner. The decision shall be taken in consultation with the respective school/ institution management, based on their assessment of the situation, and subject to the following conditions:

a. Online/ distance learning shall continue to be the preferred mode of teaching and shall be encouraged.

b. Where schools are conducting online classes, and some students prefer to attend online classes rather than physically attend school, they may be permitted to do so.

c. Students may attend schools/ institutions only with the written consent of parents.

d. Attendance must not be enforced, and must depend entirely on parental consent.

e. States /UTs will prepare their own standard operating procedure (SOP) regarding health and safety precautions for reopening of schools/ institutions based on the SOP to be issued by Department of School Education and Literacy (DOSEL), Ministry of Education, Government of India, keeping local requirements in view.

f. Schools, which are allowed to open, will have to mandatorily follow the SOP to be issued by Education Departments of States/ UTs prepared as above.

(ii) Department of Higher Education (DHE), Ministry of Education may take a decision on the timing of the opening of Colleges/ Higher Education Institutions, in consultation with Ministry of Home Affairs (MHA), based on the assessment of the situation. Online/ distance learning shall continue to be the preferred mode of teaching and shall be encouraged.

However, Higher Education Institutions only for research scholars (Ph.D) and Post-graduate students in science and technology stream requiring laboratory/ experimental works will be permitted to open from 15th October, 2020, as under:

a. For Centrally Funded Higher Education Institutions, the Head of Institution will satisfy herself/ himself that there is a genuine requirement of research scholars (Ph.D) and post-graduate students in science and technology stream for laboratory/experimental works.

b. For all other Higher Education Institutions e.g. State Universities, Private Universities etc., they may open only for research scholars (Ph.D) and postgraduate students in science and technology stream requiring laboratory/experimental works as per decision to be taken by the respective State/UT Governments.

(iii) Swimming pools being used for training of sportspersons will be permitted to open with effect from 15th October, 2020, for which the SOP will be issued by Ministry of Youth Affairs & Sports (MoYA&S).

(iv) Cinemas/ theatres/ multiplexes will be permitted to open with upto 50% of their seating capacity, in areas outside the Containment Zones only, with effect from 15th October 2020, for which, SOP will be issued by Ministry of Information & Broadcasting.

(v) Entertainment parks and similar places will be permitted to open with effect from 15th October, 2020, for which the SOP will be issued by Ministry of Health & Family Welfare (MOHFW).

(vi) Business to Business (B2B) Exhibitions will be permitted to open, in areas outside the Containment Zones only, with effect from 15th October 2020, for which, SOP will be issued by the Department of Commerce.

(vii) Social/ academic/sports/ entertainment/ cultural/ religious/ political functions and other congregations have already been permitted with a ceiling of 100 persons, outside Containment Zones only. Such gatherings beyond the limit of 100 persons may be permitted, outside Containment Zones, by State/ UT Governments only after 15th October 2020, and subject to the following conditions:

a. In closed spaces, a maximum of 50% of the hall capacity will be allowed, with a ceiling of 200 persons. Wearing of face masks, maintaining social distancing, provision for thermal scanning and use of hand wash or sanitizer will be mandatory.

b. In open spaces, keeping the size of the ground/ space in view, and with strict observance of social distancing, mandatory wearing of face masks, provision for thermal scanning and hand wash or sanitizer.

c. The congregations outside closed halls after 15th October may not exceed 200 in no.

State/ UT Governments will issue detailed SOPs, to regulate such gatherings and strictly enforce the same.

(viii) International air travel of passengers, except as permitted by MHA.

2. National Directives for COVID-19 Management

National Directives for COVID-19 Management, as specified in A**nnexure I,** shall continue to be followed throughout the country.

3. Lockdown limited to Containment Zones

(i) Lockdown shall remain in force in the Containment Zones till 31st October, 2020.

(ii) Containment Zones shall be demarcated by the District authorities at micro level after taking into consideration the guidelines of MoHFW with the objective of effectively breaking the chain of transmission. Strict containment measures will be enforced in these containment zones and only essential activities will be allowed. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services. In the Containment Zones, there shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required.

Guidelines of MoHFW shall be effectively implemented for the above purpose.

(Contd..P-5)

(iii) These Containment Zones will be notified on the websites by the respective District Collectors and by the States/UTs and information will be shared with MOHFW.

4. State/ UT Governments shall not impose any local lockdown (State/District/ sub-division/City level), outside the containment zones, without prior consultation with the Central Government.

5. No restriction on Inter-State and intra-State movement

There shall be no restriction on inter-State and intra-State movement of persons and goods including those for cross land-border trade under Treaties with neighbouring countries. No separate permission/ approval/ e-permit will be required for such movements.

6. Movement of persons with SOPs

Movement by passenger trains; domestic passenger air travel; movement of persons on Vande Bharat and Air Transport Bubble flights; and sign-on and sign-off of Indian seafarers will continue to be regulated as per SOPs issued.

7. Protection of vulnerable persons

Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years are advised to stay at home, except for essential and health purposes.

8. Use of *Aarogya Setu*

(i) Aarogya Setu enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.

(ii) With a view to ensuring safety in offices and work places, employers on best effort basis should ensure that *Aarogya Setu* is installed by all employees having compatible mobile phones.

(iii) District authorities may advise individuals to install the *Aarogya Setu application* on compatible mobile phones and regularly update their health status on the app. This will facilitate timely provision of medical attention to those individuals who are at risk.

9. Strict enforcement of the guidelines

(i) State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner.

(ii) For the enforcement of social distancing, State/ UT Governments may, as far as possible, use the provisions of Section 144 of the Criminal Procedure Code (CrPC) of 1973.

(iii) All the District Magistrates shall strictly enforce the above measures.

10. Penal provisions

Any person violating these measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005,

besides legal action under Section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at Annexure II.

(Contd..P-6)

Annexure I

NATIONAL DIRECTIVES FOR COVID-19 MANAGEMENT

1. **Face coverings:** Wearing of face cover is compulsory in public places; in workplaces; and during transport.

2. **Social distancing:** Individuals must maintain a minimum distance of 6 feet *(2 gaz ki doori*) in public places.

   Shops will ensure physical distancing among customers.

3. **Spitting in public places** will be punishable with fine, as may be prescribed by the State/ UT local authority in accordance with its laws, rules or regulations.

Additional directives for Work Places

4. **Work from hom**e (WfH): As far as possible the practice of WfH should be followed.

5. **Staggering of work/ business hours** will be followed in offices, work places, shops, markets and industrial & commercial establishments.

6. **Screening & hygiene:** Provision for thermal scanning, hand wash or sanitizer will be made at all entry points and of hand wash or sanitizer at exit points and common areas.

7. **Frequent sanitization** of entire workplace, common facilities and all points which come into human contact e.g. door handles etc., will be ensured, including between shifts.

8. **Social distancing:** All persons in charge of work places will ensure adequate distance between workers, adequate gaps between shifts, staggering the lunch breaks of staff, etc.

(Contd..P-7)

Annexure II

Offences and Penalties for Violation of Lockdown Measures

A. Section 51 to 60 of the Disaster Management Act, 2005

51. Punishment for obstruction, etc. - Whoever, without reasonable cause –

(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. Punishment for false claim.- Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. Punishment for misappropriation of money or materials, etc.-- Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

54. Punishment for false warning.—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

55. Offences by Departments of the Government. —(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the

(Contd..P-8)

consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

57. Penalty for contravention of any order regarding requisitioning. If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

58. Offence by companies.-(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purpose of this section

(a) "company" means anybody corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

59. Previous sanction for prosecution.—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

60. Cognizance of offences. —No court shall take cognizance of an offence under this Act except on a complaint made by—

(a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or

(Contd..P-9)

(b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.

B. Section 188 in the Indian Penal Code, 1860

188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

NILAM SAWHNEY
CHIEF SECREATRY TO GOVERNMENT